

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MARYLAND (BALTIMORE DIVISION)

THE CIT GROUP/EQUIPMENT FINANCING, INC., \*

PLAINTIFF, \*

V. \*

CASE NO. 03-CV-00197

THE LANDMARK ASSOCIATED COMPANIES, INC., \*

DEFENDANT. \*

\* \* \* \* \*

MOTION OF THE CIT GROUP/EQUIPMENT FINANCING, INC. FOR  
ORDER AUTHORIZING SUBSTITUTE CUSTODIAN TO  
TAKE POSSESSION OF EQUIPMENT RECOVERED  
PURSUANT TO WRIT OF REPLEVIN.

Plaintiff, The CIT Group/Equipment Financing, Inc. ("CIT"), by its attorneys, moves for an order authorizing a substitute custodian for equipment recovered by the United States Marshal pursuant to the writ of replevin issued in this case (the "Motion"), and states as follows:

1. CIT filed a *Complaint and Request for Writ of Replevin* (the "Complaint") against The Landmark Associated Companies, Inc. ("Landmark") on January 22, 2003.
2. The Court entered an *Order Directing Issuance of Writ of Replevin* on April 21, 2003, directing the Clerk of the Court to deliver the *Writ of Replevin* (the "Writ") to the United States Marshal (the "Marshal"). The Clerk issued the writ.
3. The Writ orders the Marshal to replevy the equipment listed therein (the "Equipment"), wherever found, within thirty (30) days from the issuance of the Writ.
4. CIT and the United States Marshal are coordinating to recover the equipment.
5. The United States Marshal requires that CIT provide a custodian to take delivery of the Equipment.
6. CIT hereby designates Brad Kesler and Metropolitan Recovery Systems, Inc. as its

agent for the purpose of locating, recovering, taking possession and storing the Equipment.

WHEREFORE, The CIT Group/Equipment Financing, Inc. respectfully requests that:

A. The Court enter an order designating Brad Kesler and Metropolitan Recovery Systems, Inc. as substitute custodian authorized to locate, recover, take possession and store the Equipment upon execution of the writ of replevin by the United States Marshal; and

B. The Court grant such other and further relief as is necessary and appropriate.

/s/ Steven N. Leites

Steven N. Leites, Fed. Bar No. 05856

G. David Dean, Fed. Bar No. 26987

Leites, Leites & Friedberg, P.C.

25 Hooks Lane, Suite 302

Baltimore, Maryland 21208

(410) 486-2600

(410) 486-8438 FAX

*Attorneys for The CIT Group/Equipment Financing, Inc.*